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of Howard County**

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**Board of Education of Howard County
Testimony Submitted to the Maryland House of Delegates,
Appropriations Committee
February 4, 2025**

HB0038: UNFAVORABLE

**School Construction and Housing - School Zones and Adequate Public Facilities
Ordinances**

The Board of Education of Howard County (the Board) opposes **School Construction and Housing - School Zones and Adequate Public Facilities Ordinances** as a mandate on local school system and county government that limits future flexibility.

HB0038 requires county boards of education to submit a report of student residency and school zones to both the Maryland Department of Planning and the Interagency Commission on School Construction (IAC) by July 1 annually. The report must include a school zone boundaries and attendance area map and the locations of each student's residence, without including any personal identifying information of any student. The IAC is charged with establishing formatting and submission requirements for the report.

The Howard County Public School System (HCPSS) already includes boundary maps for each level in an annual Feasibility Study as well as on the school system website. There is no individual student data, however, contained in the reports. Staff are unsure what purpose these required reports under HB0038 would be used for by the Maryland Department of Planning and IAC.

A second section of HB0038 repeals an existing provision of law that allows the IAC to make an eligible enrollment deduction for an adjacent school when calculating the maximum State construction allocation for a project approved for State funding only if the sum of available seat count in all adjacent schools is 15% or more of the project school's enrollment. This provision currently reduces the amount of money allocated to certain projects and is complicated to calculate.

The last section of HB0038 indicates a county's adequate public facilities ordinance (APFO) may not restrict housing development for more than four years after enactment. APFO is intended to allow public facilities sufficient time and financing to have commensurate capital infrastructure growth to meet population needs. Howard County's current APFO schools test stipulates four years as the maximum wait period, and developments can proceed after the four years whether the schools have capacity or not. Local legislation seeking to extend current wait times for developments failing the schools test under APFO has repeatedly failed at the County level. HB0038 would limit the ability of local counties to extend the current time. Staff is unsure how "after enactment" would be applied.

While the repeal of the current Education Article § 5-303 would benefit local school systems, the majority of HB0161 warrants an UNFAVORABLE report from this Committee.